

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPLICATION No.2338 of 2007

Bismilla Rais Ansari

..Applicant.

Vs.

The State of Maharashtra

..Respondent.

Mr R. D. Suryawanshi, Advocate for the applicant.

Ms. M. H. Mhatre, APP for the State.

CORAM: V.C. DAGA,J.
DATED: 30TH JULY, 2007.

P.C.:-

1. Heard learned Advocate for the applicant
and the learned APP for the State.

2. Perused the application and the material
available on record.

3. The applicant has invoked jurisdiction
of this Court under Section 439 of the Cr.P.C.
to release him on bail in C.R. No. 11-07
registered with Ulhasnagar Police Station for
the offence punishable under Sections 363, 366
(A) and 376 of the I.P.C. The applicant has
already moved an application before the
learned Sessions Judge, Kalyan and the same
came to be rejected by the order dated
3.7.2007.

4. The facts in dispute are that the
accused-applicant had love affairs with

victim. Under the pretext of promise to marry her on 17.5.2007 the applicant-accused has induced victim to go with him and took her to Titwala by local train, where they stayed in a Lodge and then he committed sexual intercourse with the victim and again on 18.5.2007 the accused applicant took the victim at Vashi (Navi Mumbai) and committed intercourse with the victim at the house of sister of his friend.

5. It is needless to mention that date of birth of the victim is 5.1.1993. Her age is hardly of 14 years. Under these circumstances, considering the nature of the offence, I am not inclined to grant bail application of the applicant. The application is, therefore, rejected. However, considering the peculiar facts and circumstances of the case, trial is expedited.

(V.C. DAGA,J.)